

### **REMARKS**

New claims 54-59 are added. The new claims are supported by the originally-filed disclosure at, for example, Figs. 19-20.

Claims 5-9 and 40-53 stand rejected under 35 U.S.C. §102(e) as being anticipated by Cooper et al., 5,604,159.

Independent claim 5 recites a **predominate portion** of a conductive line is disposed **elevationally below a diffusion region outer surface**. Please note, this recited structure is one exemplary embodiment (pg. 17, lines 17-19 of the originally-filed application) to improve the manner in which wafer space is utilized to support integrated circuitry and improve the manner interconnections are formed (pg. 2, lines 20-24 and pg. 21 lines 11-19). Cooper teaches predominate portions, in fact almost an entirety, of conductive layers 44 and 60 are elevationally **above** implanted regions 68 and 69 (referenced as 72 and 74 in Fig. 15) (Figs. 14-15), and not below as positively recited in claim 5. In fact, only a small portion of conductive layer 60 is formed below implanted regions 68 and 69 (referenced as 72 and 74 in Fig. 15) and that portion is formed in recess 55 (Figs. 13-15). In no fair or reasonable interpretation do conductive layers 44 and 60 of Cooper teach or suggest a **predominate portion** of the conductive line is disposed **elevationally below the diffusion region outer surface** as positively recited in claim 5. Accordingly, Cooper fails to teach or

suggest a positively recited limitation of claim 5, and therefore, claim 5 is allowable.

Claims 6-9 and 54-56 depend from independent claim 5, and therefore, are allowable for the reasons discussed above with respect to the independent claim, as well as for their own recited features which are not shown or taught by the art of record.

For example, claim 9 recites removing a portion of an isolation oxide at least intermediate a lateral width **and forming oxide material within the first lateral width** and to a degree sufficient to occupy less than the first lateral width. Cooper teaches to remove a portion of oxide layer 28 to form recess 55 (Figs. 11-12) and filling recess 55 with conductive layer 60, not oxide material as positively recited in claim 9. Since Cooper fails to teach or suggest a positively recited limitation of claim 9, claim 9 is allowable.

Independent claim 40 recites a **predominate portion** of a conductive line is disposed **elevationally below a conductive node**. Cooper teaches predominate portions, in fact almost an entirety, of conductive layers 44 and 60 are elevationally **above** implanted regions 68 and 69 (referenced as 72 and 74 in Fig. 15) (Figs. 14-15), and not below as positively recited in claim 40. In fact, only a small portion of conductive layer 60 is formed below implanted regions 68 and 69 (referenced as 72 and 74 in Fig. 15) and that portion is formed in recess 55 (Figs. 13-15). In no fair or reasonable interpretation do

conductive layers 44 and 60 of Cooper teach or suggest a **predominate portion** of the conductive line is disposed **elevationally below a conductive node** as positively recited in claim 40. Accordingly, Cooper fails to teach or suggest a positively recited limitation of claim 40, and therefore, claim 40 is allowable.

Claims 41-53 and 57-59 depend from independent claim 40, and therefore, are allowable for the reasons discussed above with respect to the independent claim, as well as for their own recited features which are not shown or taught by the art of record.

For example, claim 50 recites wherein the forming of a conductive line **and** an electrically conductive material comprises forming both from refractory metals. That is, two structures are recited as formed from refractory metals. However, Cooper teaches only one structure, conductive layer 60, as being a refractory metal (col. 5, lns. 10-30). Accordingly, in no fair or reasonable interpretation does Cooper teach or suggest wherein the forming of a conductive line **and** an electrically conductive material comprises forming both from refractory metals as positively recited by claim 50. For at least this reason, claim 50 is allowable.

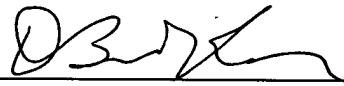
Moreover, claim 53 recites removing a portion of an isolation oxide at least intermediate a lateral width **and forming oxide material within** the first lateral width and to a degree sufficient to occupy less than the first lateral width. Cooper teaches to remove a portion of oxide layer 28 to form recess 55 (Figs. 11-12) and filling recess 55 with conductive layer 60, not oxide material as

positively recited in claim 53. Since Cooper fails to teach or suggest a positively recited limitation of claim 53, claim 53 is allowable.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

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By:   
D. Brent Kenady  
Reg. No. 40,045